

Remarks

Claims 17-24 and 50-63 are pending in the application. Claims 17, 18, 23, 24, 50, 51, and 53-61 stand rejected, and claims 52 and 62-63 have been objected to. Claims 19-22 have been withdrawn from consideration. Claims 17 and 51 have been amended. New claim 64 has been added. Support for new claim 64 can be found on page 5, lines 3-4, of the Specification. Applicant submits that new matter is added by these amendments. Applicant respectfully requests reexamination and reconsideration of the case in light of the following remarks. Each of the rejections levied in the Office Action is addressed individually below.

I. Rejection under 35 U.S.C. § 112, first paragraph, for lack of written description.

Claim 51 was rejected by the Examiner under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner in the last Office Action states that “[n]owhere in the specification are the claimed groups recited.” Applicant submits that although all the groups listed in the Markush group of claim 51 are not explicitly recited in the specification, one of ordinary skill in the art reading the application would understand that the recited groups could be used in a prepolymer of the claimed invention. The various unsaturated groups listed in claim 51 are well known in the art as substrates for free radical polymerization reactions as described in the specification. Therefore, one of skill in the art would understand that the various recited groups could be present in a suitable prepolymer of the present invention.

Although these functional groups would be understood by one of skill in the art reading this application, Applicant, in order to further prosecution, has amended claim 51 to recite double bonds and triple bonds. Support for the amendment can be found on page 8, lines 8-9, of the Specification. Applicant reserves the right to pursue the removed subject matter in future applications. Applicant submits that the amendment of claim 51 renders the Examiner’s rejection moot.

II. Rejection under 35 U.S.C. § 112, first paragraph, for lack of enablement. Claims 17, 18, 23, 24, 50, 51, and 53-61 stand rejected under 35 U.S.C. § 112, for lack of enablement. Examiner states that while the specification is enabling for polymerizable materials with unsaturated carbon-carbon bonds, the specification does not provide enablement for any other


unsaturated functional groups. Applicant respectfully submits that this is incorrect. Other unsaturated functional groups besides unsaturated carbon-carbon bonds can be used to practice the claimed invention. Such unsaturated bonds include unsaturated carbon-oxygen, carbon-nitrogen, carbon-sulfur, nitrogen-nitrogen, and nitrogen-oxygen bonds. Any type of unsaturated functional group could be used in the free radical polymerization reaction of the claimed invention. Therefore, the claimed invention is enabled for unsaturated bonds besides carbon-carbon bonds.

However, in order to further prosecution, Applicant has amended the claimed invention to include unsaturated carbon-carbon bonds in the polymerizable material, thereby obviating the Examiner's rejection.

In view of the forgoing amendments and arguments, Applicant respectfully submits that the present case is now in condition for allowance. A Notice to that effect is requested.

Please charge any fees that may be required for the processing of this Response, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,


C. Hunter Baker, M.D., Ph.D.
Registration Number: 46,533

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Date: March 19, 2004

Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20231.

March 19, 2004

Date


Signature

Linda M. Amato

Typed or Printed Name of person signing certificate

3668357v1